

ORIGINAL

EMN:SDD
F.#2012R01387

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

STIPULATION AND AGREED
PROTECTIVE ORDER

MING SUAN ZHANG,

12 CR 666 (NGG)

Defendant.

- - - - -X

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys and ORDERED by the Court, pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. Any and all discovery material produced to the defendant MING SUAN ZHANG (the "defendant") by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the discovery material, may be used by the defendant and defense counsel for any purpose consistent with this order in furtherance of the representation of the defendant in connection with the above-captioned indictment;

2. Any and all discovery material produced to the defendant by the government, and any copies, notes, transcripts, documents or other information derived or prepared from the discovery material, shall not be disseminated by the defendant or defense counsel to any individual, organization, foreign

government, foreign government agency or other entity, other than members of the legal staff of defense counsel who have signed this Stipulation and Order without further order of the Court;

3. Defense counsel may review audio-video recordings and images contained within such recordings produced in discovery with the defendant, but may not permit the defendant to retain such material;

4. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of defense counsel who have signed this Stipulation and Order and acknowledged that they are bound by its terms, shall be provided a copy of this Stipulation and Order and will be advised that he or she may not disseminate any portion of the discovery material, or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material, except in conformity with this Stipulation and Order;

5. If the defendant and/or defense counsel wishes to disclose any portion of the discovery material, or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material, to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated

application so as to permit briefing and argument on the propriety of such disclosure;

6. Nothing in this Stipulation and Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding; where the defendant wishes to attach any portion of the discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

7. Nothing in this Stipulation and Order in any way releases counsel for the government or defense counsel from the obligations of the "Free Press Fair Trial Directives" of Local Rule 23.1 of the Local Criminal Rules of the Eastern District of New York;

8. Nothing in this Stipulation and Order precludes the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material;

9. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the discovery material, or any copies, notes, transcripts, documents or other information derived or prepared from the discovery

material, unless and until substitute counsel enters into this Stipulation and Order;

10. At the conclusion of the case, all discovery material shall be: returned to the government; maintained in defense counsel's file for use on direct appeal; or destroyed; and

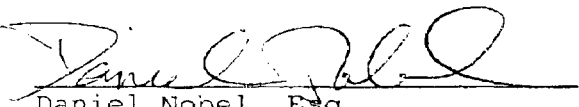
11. If the material is destroyed, defense counsel shall provide a letter to the government so certifying.

Dated: Brooklyn, New York
November 30, 2012

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: 

Seth D. DuCharme
Assistant U.S. Attorney


Daniel Nobel, Esq.
Attorney for MING SUAN ZHANG

SO ORDERED.

s/Nicholas G. Garaufis

HONORABLE NICHOLAS G. GARAUFI~~S~~
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

12/11/12